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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,026	10/20/2003	Huo-Pia Wang	08688.0331US01	4013
23552	7590	01/03/2006	EXAMINER	
MERCHANT & GOULD PC			DOAN, ROBYN KIEU	
P.O. BOX 2903			ART UNIT	
MINNEAPOLIS, MN 55402-0903			PAPER NUMBER	

3732

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/690,026

Applicant(s)

WANG, HUO-PIA

Examiner

Robyn Doan

Art Unit

3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 28 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Attachment A</u> . |

DETAILED ACTION

Applicant's Amendment filed 09/28/2005 has been entered and carefully considered. Claim 1 has been amended. Limitations of amended claim have not been found to be patentable over newly discovered prior art and prior art of record, therefore, claims 1-3 are rejected under the new ground rejections as set forth below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Abraham (U.S. Pat. # 3,181,540).

With regard to claim 1, Abraham discloses a comb (figs. 1-2) comprising a body including a hand-grip portion (1) and a mounting portion (see attachment A) that extends from the hand-grip portion in a longitudinal direction, a comb unit (see attachment A) securing to and projecting outwardly from the mounting portion and including a plurality of spaced apart combing plates (6) which are aligned in the longitudinal axis, a plurality of auxiliary combing members (7) which are aligned with the combing plates in the longitudinal direction and which are alternately disposed with the

combing plates (fig. 1), each of the plurality of auxiliary combing members having a plurality of ribs (8, 9) aligned in a transverse direction relative to the longitudinal axis direction, see fig. 1. Each of the ribs having a top portion, top portions of two adjacent ones of the ribs angling from each other (see attachment A) in a longitudinal direction and defining a V-shaped groove there between.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abraham in view of Vaccaro.

With regard to claims 2 and 3, Abraham discloses a comb comprising all the claimed limitations in claim 1 as discussed above except for a mounting portion having a front end distal from the hand-grip portion, a rear end proximate to the hand-grip portion, a mounting face extending between the front and rear ends and indented inwardly to define a receiving recess in the mounting portion, and opposite left and right sides extending in the longitudinal direction, the comb unit further including a positioning block that is received securely within the receiving recess and that has an upper surface, each of the combing plates having a tip distal from the upper surface of the

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positioning block and a curved edge extending from the upper surface of the positioning block to the tip and the ribs of the auxiliary combing members gradually decreasing in height relative to the upper surface of the positioning block from the leftmost of the one rib to the rightmost of the other rib. Vaccaro discloses a hair device (figs. 1 and 5) comprising a body (10) including a hand-grip portion (14) and a mounting portion (12) that extends from the handgrip portion in a longitudinal direction (fig. 1), a comb unit (27) secured to and projecting outwardly from the mounting portion, and including a plurality of spaced apart combing plates (20 a-e) which are aligned in said longitudinal direction, and a plurality combing members (11). The mounting portion further having a front end (at 13b when the comb unit attached to the mounting portion) distal from the hand-grip portion, a rear end (at 13a) proximate to the hand-grip portion, a mounting face (16, fig. 5) extending between the front and rear ends and indented inwardly to define a receiving recess (28) in the mounting portion, and opposite left and right sides extending in the longitudinal direction, the comb unit further including a positioning block (27) that is received securely within the receiving recess and that has an upper surface. It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the particular mounting portion as taught by Vaccaro into the comb of Abraham for the purpose of interchanging a different set of comb. It would have been obvious to one having an ordinary skill in the art at the time the invention was made to construct each of the combing plates having a tip distal from the upper surface of the positioning block and a curved edge extending from the upper surface of the positioning block to the tip and the ribs of the auxiliary combing members gradually

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decreasing in height relative to the upper surface of the positioning block from the leftmost of the one rib to the rightmost of the other rib, since such a modification would have involved a mere change in the shape of the non critical components. A change in shape is generally recognized as being within the level or ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robyn Doan whose telephone number is (571) 272-4711. The examiner can normally be reached on Mon-Fri 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Cary E. O'Connor
Primary Examiner



Robyn Doan
Examiner
Art Unit 3732

May 4, 1965

A. ABRAHAM

3,181,540

TEASING COMB

Filed March 18, 1963

Attachment A

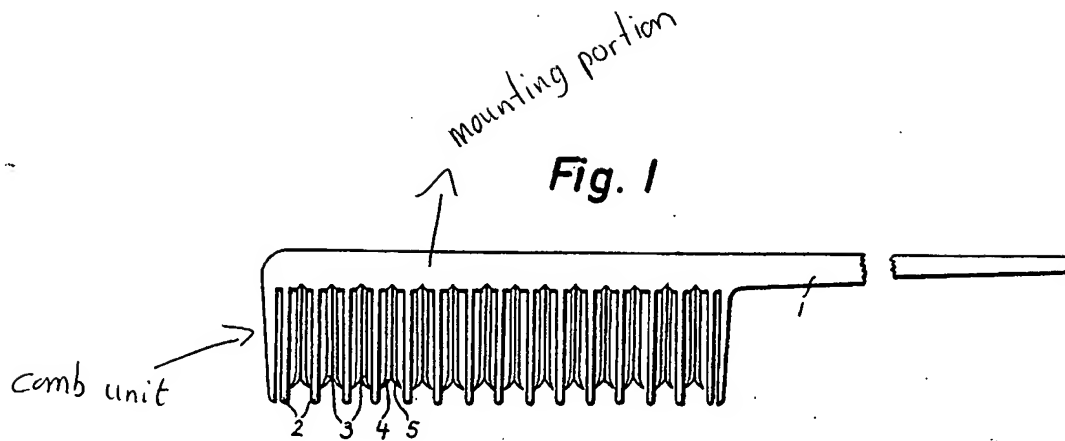
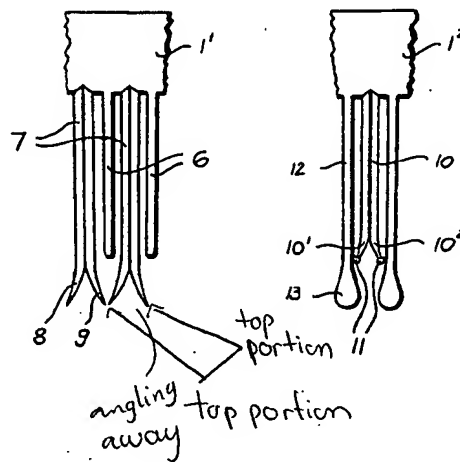


Fig. 2

Fig. 3



INVENTOR

Anton Abraham

BY

Frederic G. Heston

ATTORNEY